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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,624

09/15/2003

Jacco Brok

29250-000735/US/CPA

7922

7590

01/11/2006

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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/661,624	BROK ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ayyagari et al. (Pub. No.: US 2002/0176366 A1).

Regarding claim 1, Ayyagari et al. (“Ayyagari”) teaches a method for selecting a communication system to be used by a mobile unit to conduct a data session, the method comprising:

a) determining a set of valid communication systems available to the mobile unit, the set of valid communication systems including at least two disparate types of communication systems (see paragraphs [0040], [0041] and [0054]);

b) selecting a communication system from the set of valid communication systems (see paragraph [0055]).

Regarding claims 2-5 and 15-16, note paragraphs [0063] and [0064].

Regarding claim 6, note paragraph [0061].

Regarding claims 7-8, 10-11, 21-22 and 24, note paragraph [0041].

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Regarding claims 9, 12-14, 23, 25-27 and 30, note paragraph [0042] through [0046].

Regarding claims 17-19, note paragraphs [0055] through [0057].

Regarding claims 20, 28, note paragraphs [0063]-[0065].

Regarding claims 21-22, note paragraph [0041].

Regarding claim 29, note paragraph [0054] through [0057].

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Balogh et al. (Pub. No.: US 2001/0024953 A1).

Regarding claim 1, Balogh teaches a method for selecting a communication system to be used by a mobile unit to conduct a data session, the method comprising:

a) determining a set of valid communication systems available to the mobile unit, the set of valid communication systems including at least two disparate types of communication systems (i.e., determining logical WLAN networks NW1, NW2 as shown in figure 1, see paragraphs [0031] – [0033] and [0052]);

b) selecting a communication system from the set of valid communication systems (see paragraph [0039]).

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ahmavaara et al. (Pub. No.: US 2004/0066756 A1).

Regarding claim 1, Ahmavaara et al. (“Ahmavaara”) teaches a method for selecting a communication system to be used by a mobile unit to conduct a data session, the method comprising:

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- a) determining a set of valid communication systems available to the mobile unit, the set of valid communication systems including at least two disparate types of communication systems;
- b) selecting a communication system from the set of valid communication systems (see paragraphs [0025] through [0028]).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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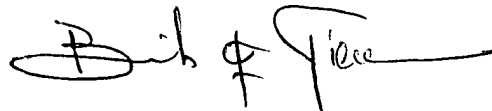
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January 06, 2006



BINH TIEU
PRIMARY EXAMINER